




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Attorney Docket No: ADAPP085A2
)	
WILSON, Andrew W.)	Examiner: Dennison, Jerry B.
)	
Application No: 09/809,602)	Group Art Unit: 2143
)	
Filed: March 14, 2001)	Date: January 5, 2007
)	
For: Device Discovery Methods and Systems)	
<u>Implementing The Same</u>)	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on January 5, 2007.

Signed: _____


Sylvia Castillo

**PETITION REQUESTING THE SUPERVISORY
AUTHORITY OF THE DIRECTOR UNDER 37 CFR 1.181**

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is in response to the Final Office Action dated October 5, 2006 and the Supplemental Final Office Action dated November 9, 2006.

01/09/2007 CCHAU1 00000078 09809602

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A. Factual Background

This Application has the following prosecution history:

March 14, 2001	Application Filed
July 13, 2004	Non-final Office Action mailed from PTO
November 15, 2004	Amendment Filed
April 21, 2005	Final Office Action mailed from PTO
July 21, 2005	RCE, Amendment, and Petition to Accept Unintentionally Delayed Claim
August 4, 2005	Grant of Petition to Accept Unintentionally Delayed Claim mailed from PTO
August 25, 2005	Non-final Office Action mailed from PTO
November 18, 2005	Amendment Filed
February 27, 2006	Final Office Action mailed from PTO
April 7, 2006	Request for Reconsideration Filed
May 9, 2006	Advisory Action mailed from PTO
May 26, 2006	Notice of Appeal and Request for Pre-Appeal Conference Filed
July 18, 2006	Notice of Panel Decision mailed from PTO
October 5, 2006	Final Office Action mailed from PTO
November 9, 2006	Supplemental Final Office Action mailed from PTO

Of concern to Applicant is the finality of the office action mailed October 5, 2006 and the Supplemental Final Office Action mailed November 9, 2006. Shortly after receiving the Final Office Action of October 5, 2006, a phone call was made to the Examiner inquiring as to whether the finality was intentional. We were informed that the finality was proper based on the Amendment filed November 18, 2005, which necessitated the new grounds for rejection found in the October 5, 2006 Final Office Action. This is consistent with the statements on page 2, section 4 in the Supplemental Office Action mailed November 9, 2006, which states, "The following Office Action is in response to the Pre-Appeal Conference Decision, filed 18, July 2006. *The previous Final Office Action has been withdrawn, and a new one has been provided below*" (emphasis added).

B. LAW

706.07(c) states in part:

"Any question as to prematurity of a final rejection should be raised, if at all, while the application is still pending before the primary examiner. This is

purely a question of practice, wholly distinct from the tenability of the rejection. [...] ***It is reviewable by petition under 37 CFR 1.181.*** See MPEP § 1002.02(c).”

37 CFR section 1.181 states in part:

“[p]etition may be taken to the Director . . . [f]rom any action or requirement of any examiner in the *ex parte* prosecution of an application, or . . . [t]o invoke the supervisory authority of the Director in appropriate circumstances.” Further, “it may be required that there have been a proper request for reconsideration . . . [and that] any petition under this part not filed within two months of the mailing date of the action . . . may be dismissed as untimely”

MPEP § 1206 (I) states in part:

“Any amendment, affidavit or other evidence filed after the mailing date of a final Office action and on the same date as the notice of appeal will be treated by the Office as being filed prior to the notice of appeal and treated under 37 C.F.R. § 1.116.”

MPEP 706.07(a) states in part:

“a second or any subsequent action on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither (1) necessitated by applicant’s amendment of the claims nor (2) based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. 1.97(c) with the fee set forth in 37 C.F.R. § 1.17(p).”

and:

“A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed.

MPEP 706.07(e) states in part that “When a final rejection is withdrawn, all amendments filed after the final rejection are ordinarily entered.”

C. ARGUMENT

1. 37 CFR § 1.181 TIMELINESS

Applicant contends that the timeliness requirement of 37 CFR section 1.181 has been satisfied by having requested reconsideration of the outstanding Final Rejections in the Amendment filed concurrently with this Petition. Should an Advisory Action be issued in

response to the presently filed Amendment, Applicant respectfully requests that this Petition be considered in light of the Advisory.

2. IMPROPRIETY OF THE THIRD FINAL OFFICE ACTION

a. The United States Patent and Trademark Office Has not Followed the Rule, i.e., Applied the Incorrect Legal Standard Resulting in an Erroneous Decision

Applicant regards the finality of the October 5, 2006 and November 9, 2006 Office Actions to be premature. Applicant is concurrently filing an Amendment with this Petition and seeks redress to ensure that the Amendment is entered and considered by the Office. A copy of this Amendment is attached hereto as an EXHIBIT. Now comes petitioner proffering the present petition.

In the Final Office action mailed October 5, 2006 and the Supplemental Final Office Action mailed November 9, 2006, Examiner Dennison appears to assert the position that the grounds for rejection asserted in the Final Office Action February 27, 2005 was substituted with the new grounds for rejection asserted in the now outstanding Final Office Action and Supplemental Office Action. See, e.g., Supplemental Office Action of November 9, 2006, § 4. As explained by telephone, the Examiner regards the Amendment submitted on November 18, 2005, as having necessitating the new grounds of rejection in the October 5, 2007 Final Office Action.

However, the new grounds of rejection were not necessitated by Applicant's Amendments, since Applicant has not submitted any amendments to the claims since before the previous Final Office Action was issued on February 27, 2006. The rejections in the February 27, 2006 Final Office Action were overcome by arguments alone, in the form of the Request for Reconsideration filed on April 7, 2006 and the Pre-Appeal Brief, which was filed on May 26, 2006.

As an aside, Applicant's attorneys have noted a spate of premature final rejections issuing from the Patent Office. If this represents a change in policy, Applicant submits that the United States Patent and Trademark Office cannot effectuate changes to its internal procedure that impact the legal rights and responsibility of the public in the public's interactions with the United States Patent and Trademark Office without providing the public notice written notice of the policy in advance to the policy taking effect. See Section 3 of the Administrative Procedures Act.

b. Piecemeal, “Whack-A-Mole” patent prosecution should not be promoted by the Patent Office.

Applicant has had to contend with a continuous stream of references being applied against the claims. As can be seen by the following table, at each point where a reference is overcome by arguments or Amendments, a new reference, never before seen by Applicant, is presented in a new rejection.

<u>Date</u>	<u>Action Type</u>	<u>References Relied Upon</u>
July 13, 2004	Non-final Office Action	Ozzie et al.
April 21, 2005	Final Office Action	Ozzie et al.
August 25, 2005	Non-final Office Action	Coronni et al. Matsuda et al.
February 27, 2006	Final Office Action	Caronni et al. Satran et al. Matsuda et al.
October 5, 2006	Final Office Action	Miller et al.
November 9, 2006	Supplemental Final Office Action	Miller et al.

This pattern of patent prosecution can be analogized to the well known “Whack-A-Mole” arcade game wherein a plastic mole pops out of a hole, and the user is required whack the mole with a padded mallet, causing the mole to disappear back into the hole, only to be replaced by another mole popping out of a different hole.

37 CFR section 1.104 that makes clear that the examiner must cite the best reference at his or her command. See 37 CFR § section 1.104(c)(2). In furtherance of this requirement, MPEP section 706.02 makes clear that “[p]rior art rejections should ordinarily be confined strictly to the best available art.” Thus, if Miller is a better reference than Caronni et al., Satran et al., and Matsuda et al., then Miller should have been presented back in August 25, 2005, which would have saved both the Office and Applicant the considerable time and expense of arguing the earlier references. If the Examiner is permitted to substitute one final rejection for another as he suggests, then there is no incentive for him to present the best reference early in the prosecution. Instead, he can continue replacing one final action with another until an RCE is filed. In times where the PTO is actively seeking means to reduce the number of RCE filings, referred to by the Commissioner as “rework,” so that the

backlog of new cases can be examined,¹ it would appear to behoove the PTO to provide incentive to Examiners to present the best available art early on in prosecution, and to not permit final actions to be continually replaced with new final actions citing new art.

D. RELIEF REQUESTED

Therefore, Applicant respectfully requests that the Amendment filed on this date, a copy of which is attached hereto, be entered and examined in due course. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085A2).

Respectfully submitted,
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¹ See, e.g., <http://www.uspto.gov/web/offices/com/speeches/06-01.htm>

EXHIBIT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Andrew W. Wilson)

) Group Art Unit: 2143

) Application No: 09/809,602

) Examiner: Dennison, Jerry B.

) Filed: March 14, 2001

) Atty. Docket No: ADAPP085A2

) For: Device Discovery Methods and
) Systems Implementing the Same

) Date: January 5, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on January 5, 2006.

Signed: _____

Sylvia Castillo

AMENDMENT

Mail Stop AF
Honorable Commissioner for Patents
Alexandria VA 22313-1450

Dear Sir:

In response to the Final Office Action dated October 5, 2006 (hereinafter, "the Office Action") and the Supplemental Final Office Action dated November 9, 2006, Applicant respectfully requests reconsideration in view of the following amendments and Remarks. The three month period for response ends on January 5, 2006. Accordingly, no fees for extension of the period for response are due at this time. However, this Amendment is being submitted concurrently with a Notice of Appeal and a Petition under 37 C.F.R. § 1.181 to request withdrawal of the finality of the Office Action, and appropriate fee therefor, it being noted that the fee for the Notice of Appeal was paid previously on May 26, 2006.

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A method for target device discovery on a network comprising plurality of hosts, each of the hosts having a corresponding one of a plurality of initiators, the network further comprising a plurality of target devices in communication with one another, the method comprising:

5 identifying a master initiator from among the plurality of initiators connected to the plurality of hosts, other initiators of the plurality of initiators being at least one slave initiator;

multicasting transmitting a multicast signal from a master the master initiator over the network, the transmitting occurring continually at a multicast interval, the multicast signal being a signal that is sent to all nodes within the network;

10 transmitting a registration by a unicast signal to the master initiator, the registration being transmitted from each of the target devices connected to the network, the registration being transmitted in response to a first receipt of the multicast signal upon being connected to the network;

15 re-registering each target device connected to the network by transmitting a unicast signal to the master initiator, the re-registering being performed periodically at a selected re-registration interval;

determining if a previously registered target device re-registered with the master initiator by a unicast to the master initiator;

20 removing the previously registered target device on a from a list of active target devices connected to the network when the previously registered target device has not re-registered within a selected the selected re-registration interval, wherein the list of active target devices is maintained by the master initiator; and

25 sending out a next multicast signal, wherein the next multicast signal includes information regarding the previously registered target device when the previously registered target device is determined to have re-registered since the multicasting of the signal during a

current multicast interval, the current multicast interval being a period from a previous transmission of the multicast signal to the sending out of the next multicast signal, the information regarding the previously registered target notifying other initiators to maintain the previously registered target on the list of targets.

2. (Currently amended) ~~A method for target device discovery on a network as recited in~~ The method of claim 1, wherein each of the slave initiators maintains a separate list of active targets, each of the slave initiators maintaining ~~wherein the other initiators maintain the previously registered target on initiator target lists~~ the separate list of active targets in
5 response to receiving the information regarding the previously registered target, each of the slave initiators removing the previously registered target from the separate list of active targets automatically when no information is received from the master initiator regarding previously registered device within the re-registration interval.

3. (Currently amended) ~~A method for target device discovery on a network as recited in~~ The method of claim 1, wherein the identifying of the master initiator is elected by comprises comparing device identification numbers of ~~a plurality~~ the plurality of initiators connected to the network.

4. (Currently amended) ~~A method for target device discovery on a network as recited in~~ The method of claim 1, wherein the multicast signal from the master initiator is in a form of a master identification packet having a sequence number, the sequence number being incremented every time new target information is transmitted with the master identification packet, the new target information including new registrations of previously unregistered target devices and re-registrations of previously registered target devices.

5. (Currently amended) A method for target device discovery on a network ~~as recited in claim 1, wherein the signal is a first multicast, the next multicast is a second multicast, the method further comprising:~~

multicasting a signal from a master initiator over a network;

- 5 determining if a previously registered target re-registered with the master initiator by a unicast to the master initiator;
- removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval; and
- 10 sending out a next multicast, wherein the next multicast includes information regarding the previously registered target when the previously registered target is determined to have re-registered since the multicasting of the signal, the information regarding the previously registered target notifying other initiators to maintain the previously registered target on the list of targets; and
- 15 causing a second initiator, in response to receiving a third multicast, the third multicast not including the information regarding the previously registered target, to compare a sequence number of the third multicast with a previous sequence number of a previous multicast, the previous multicast being a most recently received multicast prior to the third multicast.

6. (Previously presented) A method for target device discovery on a network as recited in claim 5, wherein the second initiator determines that a multicast has been missed when the difference between the sequence number of the third multicast and the previous sequence number is greater than one and target information is included in the third multicast,

5 the second initiator also determining that a multicast has been missed when the difference between the sequence number of the third multicast and the previous sequence number is equal to one and the third multicast does not include target information.

7. (Previously presented) A method for target device discovery on a network as recited in claim 6, further comprising causing the second initiators to request target information contained in the second multicast when the second initiator determines that a multicast has been missed.

8. (Canceled).

9. (Currently amended) ~~A method for target device discovery on a network as recited in~~ The method of claim 1, wherein the network is one of an iSCSI network, an eSCSI network, a TCP/IP network, and an Ethernet network.

10. (Currently amended) ~~A method for target device discovery on a network as recited in~~ The method of claim 1, wherein the previous registered target re-registers by unicasting information to the master initiator on a periodic basis next multicast transmission does not include information regarding the previously registered target device when the master initiator removes the previously registered target device from the list of active target devices.

11. (Currently amended) A method for target device discovery on a network having a plurality of hosts and a plurality of target devices in communication with one another, each of the plurality of hosts having an initiator, the method comprising:

5 identifying a master initiator as one of the plurality of initiators, each of the plurality of initiators being either a master initiator or a slave initiator;

multicasting transmitting a multicast signal from a master the master initiator over the network;

receiving, at the master initiator, a unicast signal from a new target device recently connected to the network;

10 adding the new target device to a master list of target devices connected to the network, the master list of target devices being maintained by the master initiator; [[and]]

sending out a next multicast signal to initiators, the next multicast signal being received by the slave initiators, the next multicast signal including information regarding the new target device; and

15 adding the new target device to a separate list of target devices at each slave initiator such that each slave initiator is made aware of all of the target devices currently connected to the network.

12. (Original) A method for target device discovery on a network as recited in claim 11, wherein the network is one of an iSCSI network, an eSCSI network, a TCP/IP network, and an Ethernet network.

13. (Canceled)

14. (Currently amended) A method for target device discovery on a network as recited in claim 11, wherein the master initiator is ~~determined~~ identified from among the plurality of initiators by comparing device identification numbers of ~~a plurality~~ the plurality of initiators connected to the network.

15. (Previously presented) A method for target device discovery on a network as recited in claim 14, wherein the device identification number is a global unique identification (GUID) number.

16. (Currently amended) A method for target device discovery on a network as recited in claim 11, wherein the signal from the master initiator is in a form of a master identification ~~packets~~ packet having a sequence number, the sequence number being incremented every time new target information is transmitted with the master identification packet, the new target information including new registrations of previously unregistered target devices and re-registrations of previously registered target devices.

17. (Currently amended) A method for target device discovery on a network as ~~recited in claim 11, the method further~~ comprising:

multicasting a signal from a master initiator over the network;

receiving a unicast from a new target recently connected to the network;

5 adding the new target to a list of targets connected to the network;

sending out a next multicast to other initiators, the next multicast including information regarding the new target; and

causing a second initiator, in response to receiving a third multicast from the master initiator, the third multicast not including the information regarding the new target, to
10 compare a sequence number of the third multicast with a previous sequence number of a previous multicast, the previous multicast being a most recently received multicast prior to the third multicast.

18. (Previously presented) A method for target device discovery on a network as recited in claim 17, wherein the second initiator determines that a multicast has been missed when the difference between the sequence number of the third multicast and the previous sequence number is greater than one and target information is included in the third multicast ,
5 the second initiator also determining that a multicast has been missed when the difference between the sequence number of the third multicast and the previous sequence number is equal to one and the third multicast does not include target information.

19. (Previously presented) A method for target device discovery on a network as recited in claim 18, further comprising causing the second initiator to request target information contained in the next multicast when the second initiator determines that a multicast has been missed.

20. (Currently amended) A method for target device discovery on a network as recited in claim 11, further comprising sending additional multicast signals on a periodic basis, the additional multicast signals not including the information regarding the new target device.

21. (Currently amended) A method for target device discovery on a ~~network~~ network, the method being implemented by a master initiator, the master initiator including logic for implementing the method, the method comprising:

transmitting a plurality of multicasts over the network, the ~~the~~ multicasts being
5 transmitted continually at a predetermined interval;

in response to receiving a unicast from a new target device recently connected to the network, adding the new target device to a list of target devices;

10 in response to determining that a previously registered target device re-registered with the master initiator, maintaining the previously registered target device on the list of target devices;

wherein one of the multicasts includes new target device information regarding the maintaining and the adding of target devices to the network; and

wherein each multicast has a sequence number, the sequence number being incremented every time the new target information is included in the multicast.

22. (Currently amended) A method for target device discovery on a network as recited in claim 21, wherein the ~~previous~~ previously registered target re-registers by unicasting information to the master initiator on a periodic basis.

23. (Currently amended) A system for target device discovery on a network comprising:

a master initiator, the master initiator configured to periodically ~~send~~ transmit a multicast signal throughout the network at a predetermined interval;

5 at least one target device, the at least one target device being configured to remain passive until one of the multicast signals is received from the master initiator, the at least one target device being further configured to transmit a unicast response to the master initiator upon first receiving one of the multicast signals, the unicast response including an address of the at least one target device, the at least one target device further being configured to
10 periodically re-register with the master initiator at a re-registration interval; and

at least one slave initiator, the at least one slave initiator configured to receive target information from the multicast signals;

~~wherein the master initiator polls the at least one target by way of the multicasts, and the at least one target responds to the one multicast through use of a unicast directed to the~~
15 ~~master initiator.~~

24. (Original) A system for target device discovery on a network as recited in claim 23, wherein the at least one slave initiator is configured to unicast to the master initiator a request to resend information if a multicast with updated target information was not received by the at least one slave initiator.

25. (Original) A system for target device discovery on a network as recited in claim 24, wherein the at least one slave initiator is configured to determine if the multicast with updated target information was not received by examining a sequence number of each multicast to determine if a previous multicast was missed.

26. (Original) A system for target device discovery on a network as recited in claim 25, wherein the previous multicast was missed when a last sequence number from a last multicast has incremented and no updated target information has been received.

27. (Original) A system for target device discovery on a network as recited in claim 23, wherein the network is one of an iSCSI network, an eSCSI network, a TCP/IP network, and an Ethernet network.

REMARKS

This Amendment is submitted in response to the Final Office Action of October 5, 2006 (hereinafter "the Office Action") and the supplemental Final Office Action of November 9, 2006 (hereinafter "the Supplemental Office Action"). Claims 1-7, 9-11, 14, and 16-23 are amended. Claims 1-7, 9, 12, and 14-27 remain pending.

All references to the claims, except as noted, will be made with reference to the claim list above beginning on page 2. If there is any confusion or questions regarding any aspect of this Request for Reconsideration, the Examiner is invited to contact the undersigned.

Status of Application – Finality of the outstanding Office Action

This Application is currently under a Final Rejection. Applicant respectfully requests that the finality of the rejection in the Office Action and the Supplemental Office Action be withdrawn. Applicant notes that the Office Action and the Supplemental Office Action cite new art and contain new grounds of rejection. These new grounds of rejection were not necessitated by Applicant's Amendments, since Applicant has not submitted any amendments to the claims since before the previous Final Office Action was issued on February 27, 2006. The rejections in the February 27, 2006 Final Office Action were overcome by arguments alone, in the form of a Pre-Appeal Brief, which was filed on May 26, 2006.

In addition to the reasons stated above, Applicant respectfully refers to the Petition under 37 C.F.R. § 1.181 submitted concurrently herewith for additional reasoning and the legal basis for Applicant's well-founded belief that the finality of the Office Action and the Supplemental Office Action is premature and improper. Reconsideration of the finality of the Office Action and Supplemental Office Action is therefore respectfully requested.

Amendment

In general, the claims are amended to better define the invention over the prior art. Lines 2-4 of amended claim 1 are supported, for example, at lines 18-23 of page 11 and lines 14-23 of page 12 of the Application as filed. Lines 5-6 of claim 1 are supported, e.g., at 14-23 of page 12 and page 7, line 24. Lines 7-9 of claim 1 are supported, e.g., at page 7, lines 11-12 and page 13, lines 7-8. Lines 10-13 of claim 1 are supported, e.g., at page 28, lines 19-20 and page 7, lines 12-14. Lines 14-16 of claim 1 are supported, e.g., at page 24, lines 20-23 and

page 26, lines 28 through 31. Lines 17-20 of claim 1 are amended only for consistency in terminology and to improve readability. Changes to lines 21-22 of claim 1 are supported, e.g., at page 14, lines 23-24. Changes to lines 25-30 of claim 1 are supported, e.g., at page 32, lines 9-15.

Amendments to claims 2 are supported, e.g., at page 15, lines 2-5 and page 18, lines 9-13 and 17-20. Amendments to claim 3 are primarily semantic in nature and are made to maintain consistency in terminology. Amendments to claim 4 are supported, e.g., at page 16 lines 4-6 and page 27, lines 5-6. Amendments to claim 5 merely places claim 5 into independent form. Amendments to claim 10 are supported, e.g., at page 18, lines 9-13 and page 32, lines 11-15.

Amendments in lines 2-3 of claim 11 are supported, e.g., at lines 18-23 of page 11 and lines 14-23 of page 12 of the Application. Lines 4-5 are supported, e.g., at page 7, lines 11-12 and page 13, lines 7-8. Amendments to lines 10-11 of claim 11 are supported, e.g., at page 14, lines 23-24. Amendments to lines 15-17 are supported, e.g., page 15, lines 25 and page 18, lines 9-13 and 17-20. Other amendments in claim 11 are semantic and do not materially affect the scope of the claim.

Amendments to claim 14 are semantic and are not intended to materially affect the scope of the claims. Amendments to claim 16 are supported, e.g., at page 16 lines 4-6 and page 27, lines 5-6. Claim 17 is amended to place it into independent form. Amendments to claim 20 through 21 are semantic and are not intended to materially affect the scope of the claims. Amendments to claim 21 are either semantic in nature, or, for lines 13-14, are supported, e.g., at page 16 lines 4-6 and page 27, lines 5-6. The amendment to claim 22 is semantic and is not intended to materially affect the scope of the claim.

Amendments to lines 3-4 of claim 23 are supported, e.g., at page 7, lines 11-12 and page 13, lines 7-8. Lines 6-11 of claim 23 are supported, e.g., at page 15, lines 8-10; page 24, lines 20-23; and page 26, lines 28 through 31. Other amendments to claim 23 are either cancellations or are semantic.

No new matter is being introduced by this Amendment.

Allowable Subject Matter

Applicant notes with appreciation the indication that claims 5-7 and 17-19 contain allowable subject matter.

Claim Rejections – Prior Art

Claims 1-4, 8-16, and 20-27 stand rejected under 35 U.S.C. § 102(e) for being anticipated by U.S. Patent 6,625,652 issued to Miller et al., hereinafter referred to as, “Miller.” Applicant respectfully traverses because, with respect to claims 8 and 10, the rejection is obviated by cancellation of claims 8 and 10, and with respect to the remaining claims, Miller fails to disclose each and every feature set forth in the claims.

Claim 1, for instance, sets forth, *inter alia*, “re-registering each target device connected to the network by transmitting a unicast signal to the master initiator, the re-registering being performed periodically at a selected re-registration interval” (claim 1, lines 14-16). Miller does not mention re-registering devices at a selected re-registration interval. Claims 2-4, 8, 9, and 10 depend from claim 1 and are therefore distinguished from Miller for at least the same reasons as claim 1.

Claim 11 sets forth, *inter alia*, “adding a new target device to a separate list of target devices at each slave initiator” (claim 11, lines 15-16). Miller does not mention maintaining a separate list by a slave initiator. Claims 12, 14-16, and 20 depend from claim 11 and are therefore distinguished from Miller for at least the same reasons as claim 11.

Claim 21 sets forth, *inter alia*, “each multicast has a sequence number, the sequence number being incremented every time the new target information is included in the multicast” (claim 21, lines 13-14). Miller does not show a sequence number included in the multicast. Claim 22 depends from claim 21 and is therefore distinguished from Miller for at least the same reasons as claim 21.

Claim 23 sets forth a system having a master initiator and at least one target device which “is configured to periodically re-register with the master initiator at a re-registration interval” (claim 23, lines 9-10). Miller does not describe a target device configured to re-register with the master initiator at a re-registration interval. Claims 24 through 27 depend from claim 23 and therefore are distinguished from Miller for at least the same reason as claim 23.

For the reasons identified above, Applicant respectfully submits that the instant Application is now in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Request for Reconsideration, the Examiner is kindly requested to contact the undersigned at (408) 774-6933. If any other

fees are due in connection with filing this Request for Reconsideration, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085A2). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in dark ink, appearing to read 'Leonard Heyman', with a long horizontal flourish extending to the right.

Leonard Heyman
Reg. No. 40, 418

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